

## REMARKS

This application has been reviewed in light of the Office Action dated December 30, 2003. Claims 1-15 are in this application. Claims 1, 8, 10 and Claim 12 are in independent form. Claims 1 and 10 have been amended. Favorable reconsideration is requested.

Applicants note with appreciation the allowance of Claims 12 and 13, and the indication that Claim 8 would be allowable if rewritten so as not to depend from a rejected claim. Claim 8 was in fact amended to be in independent form in the previous (September 8, 2003) Amendment filed in this application. It is, therefore, respectfully submitted that all of Claims 8, 12, and 13, as well as Claims 14 and 15 which depend from Claim 8, are in condition for allowance.

Claims 1-7 and 9-11 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 5,396,350 (*Beeson '350*) in view of U.S. Patent 6,305,811 (*Beeson '811*). These rejections are respectfully traversed.

As recited in independent claim 1, the present invention relates to a luminaire that includes a lamp, and a reflector that has an emission opening and surrounds the lamp. The luminaire further includes an optical element that is arranged in or before the emission opening, to deflect light beams which enter a light entry surface and exit a light exit. Significantly, the light exit surface is opposite to the light entry surface.

In *Beeson '350*, in stark contrast, the light entry surface and light exit surfaces are not opposite at all, but are instead perpendicular to one another. That this is so is apparent from, for example, Fig. 2 of *Beeson '350*, in which the light generating means 4 is adjacent to a "light accepting surface" 7 of a waveguide 6. The light accepting surface 7 is at a right angle to the surface from which the light exits. The case is identical in *Beeson '811*: the "light input side" 26 of the waveguide 30 is orthogonal to the "light output surface" 32. In neither *Beeson '350* nor *Beeson '811* are the light entry and exit surfaces opposite.

In view of the fundamental differences between opposite entry and exit surfaces on

the one hand, and perpendicular entry and exit surfaces on the other, and of the other distinctions between the present invention and the Beeson patents as discussed in prior Amendments, Applicants respectfully submit that *Beeson* '350 and '811 cannot possibly render claim 1 obvious. Accordingly, Applicants respectfully request the Examiner to reverse the Section 103 rejection.

Independent claim 10 is directed to a luminaire and recites many of the features recited in claim 1. As in claim 1, the light entry surface and light exit surface of the optical element are opposite. Accordingly, claim 10 is believed to be patentable for at least the same reasons as discussed above in connection with claim 1.

The other rejected claims in this application depend either from independent Claim 1 or 10, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

CONCLUSION

This Amendment After Final Action is believed to clearly place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing Amendments and Remarks, a Notice of Allowance is earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212)-218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Michael P. Sandomato  
Attorney for Applicants  
Registration No. 35,345

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 411274v1